

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

PRINCE CONSTRUCTION CO., INC.,

Respondent.

**Docket No. FMCSA-2008-0376¹
(Eastern Service Center)**

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

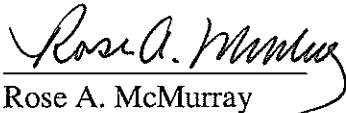
On September 9, 2008, the District of Columbia Division Administrator, Federal Motor Carrier Safety Administration (FMCSA), issued a Notice of Claim to Respondent, Prince Construction Co., Inc., proposing a civil penalty of \$5,940 for five alleged violations of the Federal Motor Carrier Safety Regulations (FMCSRs). Specifically, the Notice of Claim, which was based on an August 1 2008, compliance review (CR), charged Respondent with: (a) one violation of 49 CFR 382.301(a), with a proposed civil penalty of \$1,480, for using a driver before it received a negative pre-employment controlled substance test result; (b) one violation of 49 CFR 382.305(b)(1), with a proposed civil penalty of \$1,140, for failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions; (c) one violation of 49 CFR 382.305(b)(2), with a proposed civil penalty of \$1,480, for failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions; (d) one violation of 49 CFR 391.45(b)(1)/391.11(a), with a proposed civil penalty of \$1,130, for

¹ The prior case number of this matter was DC-2008-0838-US1259.

using a driver not medically examined and certified during the preceding 24 months; and
(e) one violation of 49 CFR 396.3(b), with a proposed civil penalty of \$710, for failing to keep minimum records of inspection and vehicle maintenance.

On January 28, 2009, Claimant, the Field Administrator for the Eastern Service Center, FMCSA, submitted a Motion to Dismiss the proceeding because Respondent had paid the penalty in full. Claimant's Motion is granted. The proceeding is dismissed and the docket is closed.

It Is So Ordered.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

2/23/09
Date

CERTIFICATE OF SERVICE

This is to certify that on this 25 day of February, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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